

REMARKS

Claims 1-24 are pending. The Examiner has withdrawn claims 1-12 and 18-24 from consideration. By this Amendment, claims 1-12 and 18-24 are canceled without prejudice or disclaimer. No new matter is presented.

Applicant respectfully acknowledges and appreciates the indication by the Examiner that claims 16-17, although objected to for being dependent on a rejected base claim (i.e., claim 13), would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims (none).

Applicant also wishes to thank the Examiner for correctly noting that the deposit account was incorrectly charged for a one month extension of time.

The drawings are objected to for not legending particular elements. Enclosed herein is a Request for Approval of Drawing Corrections along with drawing Figures 1, 3-4, 6A, and 6B. Applicant respectfully requests withdrawal of the objection.

Claims 13-15 are rejected under 35 U.S.C. §102(b) as being anticipated by EP 349632 to Frankel et al. (hereinafter "Frankel"). Applicant respectfully traverses the rejection.

It is noted that little explanation was provided for the rejection. The Office Action only references Figs. 1-4 and 8-10, as well as Col. 9, line 46, through Col. 10, line 10. Applicant presumes the Office Action is arguing that Frankel discloses every aspect of the presently claimed invention.

Pending claim 13 recites a gap adjustment apparatus including a first holder for holding a first object having a first measurement surface; a second holder for holding a second object having a second measurement surface, in a manner such that the

second measurement surface faces the first measurement surface; a first displacement gauge for measuring a distance extending from the first displacement gauge to the first measurement surface; a target whose relative position with respect to the first displacement gauge is fixed, the target having a target measurement surface orientated in the same direction as the second measurement surface; a second displacement gauge for measuring distances extending from the second displacement gauge to the second measurement surface and to the target measurement surface; and a moving mechanism for moving at least one of the first holder and the second holder, in order to alter a gap between the first measurement surface and the second measurement surface.

As noted above, pending claim 13 recites the present invention includes "a target whose relative position with respect to the first displacement gauge is fixed, the target having a target measurement surface oriented in the same direction as the second measurement device." Applicant respectfully submits Frankel does not disclose or suggest such a feature or a feature that is analogous to such.

With respect to claim 15, Applicant respectfully submits claim 15 recites the first and second displacement gauges of the claimed invention to be electrostatic capacity-type displacement gauges. It is noted that the sensor (76) in Frankel is described in Col. 8, lines 3-19, as an air probe sensor. Air probe sensors are defined in the Frankel specification as operating by generating a flowing column of air against a solid surface and measuring the back pressure of that column of air. Applicant respectfully submits an air probe sensor is structurally different from an electrostatic capacity-type displacement gauge.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Frankel does not disclose or suggest each and every feature recited by pending claim 13. Therefore, Frankel does not anticipate or render obvious the invention recited by pending claim 13. Accordingly, Applicant respectfully submits pending claims 13 should be deemed allowable.

Claims 14-17 depend from claim 13. It is respectfully submitted that these four (4) dependent claims should be deemed allowable for the same reasons as claim 13, as well as for the additional subject matter recited therein.

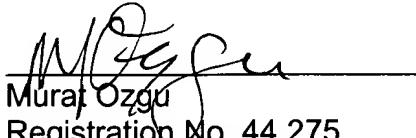
Applicant respectfully requests withdrawal of the rejection.

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejection, allowance of claims 13-17, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107317-00037.**

Respectfully submitted,



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Enclosures: Request for Approval of Drawing Corrections
Corrected Drawings